

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 6 and 8, adds new claims 11-53, claims 1-53 will be pending. Applicant respectfully traverses the rejections.

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cannon (U.S. 2003/0119581) in view of Schneider (U.S. 6,358,149). The rejection asserts that Cannon discloses initiating the secondary game in awarding, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game in Cannon at par. 58-61. Pars. 58-61 in Cannon discuss bonus awards but not the awarding of bonus awards. For example, par. 58 discusses that bonus awards may be a monetary award, a point or credit award, an award that terminates play at the bonus game, or an award that directs play of the bonus game. Par. 59 discusses the amounts of the bonus awards. Par. 60 discusses eliminating bonus awards and regenerating bonus awards. Par. 61 discusses a bonus game that may include one bonus award. Cannon does not discuss how the bonus awards are awarded in these paragraphs.

Applicants submit that Cannon does not disclose or suggest awarding to every gaming device qualified to participate in the secondary game, one or more payout awards. When a gaming device is qualified to participate in the secondary game, that gaming device is awarded a payout award of the secondary game. In contrast, Cannon discloses that the bonus games' objective is to allow players to defeat other players. In this case, each qualified player may also eliminate other qualified players by occupying the same space in the bonus game. See Cannon, abstract. Thus, Cannon does not disclose or suggest that every gaming device qualified to participate in the secondary game is awarded a payout. Rather, players are eliminated from the bonus game even if they are qualified.

The rejection asserts that Schneider discloses that additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a pre-determined number of primary game plays after qualification of said first gaming device at Schneider, Figs. 5-6 and col. 7, lines 21-26. Col. 7, lines 21-26 of Schneider state that during any bonus period the eligibility of the gaming device is determined. Fig. 5 shows a start bonus period 108. Also, Fig. 6 shows setting and maintaining a threshold. Applicants submit that Schneider discloses a bonus period would be initiated when the bonus pool satisfies the first

threshold value. See Schneider, col. 2, lines 39-40. The first threshold value, in Schneider, is set in consideration of a total number of eligible gaming machines detected. The object of the invention in Schneider is to set the threshold. See Schneider, col. 2, lines 26-30. Schneider does not disclose or suggest that a designated duration after said first gaming device is qualified or a pre-determined number of primary game plays after qualification of said first gaming device is used. Rather, the threshold value is used in Schneider to start the bonus period.

Also, Schneider may discuss eligibility in col. 7, lines 21-26; however, Schneider does not disclose or suggest that additional players are qualified during a designated duration after a first gaming device is qualified or during a pre-determined number of primary game plays after qualification of the first gaming device.

Applicants submit that it would not be obvious to combine Cannon and Schneider. MPEP 2143.01(V) states the proposed modification cannot render the prior art unsatisfactory for its intended purpose. MPEP 2143.01 further states that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Cannon's intent of the invention is to have players compete against one another and to allow players to eliminate each other from the bonus game. Accordingly, it would not have been obvious to combine Cannon with Schneider if it is alleged that Schneider teaches awarding to every gaming device a payout award. This would be against the intended purpose of Cannon to have players eliminate one another.

Claim 53 depends from claim 1 and thus derives patentability at least therefrom. Applicants submit that Cannon and Schneider do not disclose or suggest every element of claim 28. For example, Schneider and Cannon do not disclose or suggest increasing the payout award by a multiple of a number of qualifications associated with additional gaming devices in the secondary game. If the number of qualifications is 3 gaming devices, then the payout award may be increased by 3X. Cannon and Schneider do not disclose this.

Claim 2 was rejected under 35 U.S.C. §103 as being unpatentable over Cannon and Schneider. Applicants submit that Cannon and Schneider do not disclose or suggest qualifying, during said pre-determined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game. Also, Cannon and

Schneider do not disclose or suggest triggering a secondary game indication cycle to run before the secondary type game is initiated.

Claim 3 depends from claim 2 and thus derives patentability at least therefrom.

Applicants submit that Cannon and Schneider do not disclose or suggest every element of claim 4. For example, Cannon and Schneider fail to disclose or suggest providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game and qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle.

Claims 5-9 depend from claim 4 and thus derive patentability at least therefrom.

Applicants submit that claim 10 should be allowable for at least a similar rationale as discussed with respect to claim 1.

Applicants submit new claims 11-52 should be allowable over the cited references. Claim 11 recites allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game and qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game. In this case, a player needs to be eligible for the bonus game. Then, once the player is eligible, the eligible player can qualify for the bonus game. There is a qualification period where eligible players can qualify for participating in the bonus game by playing in the primary game. Then, the eligible players that qualify for the bonus game win at least one award. Applicants submit that the cited references do not disclose or suggest eligibility, qualification, and then the bonus game. Schneider and Cannon do not disclose or suggest determining if a player is eligible and also qualifying players in the qualification period.

Applicants respectfully submit that the present claims are in condition for allowance and an early Notice of Allowance is earnestly sought. The undersigned may be contacted at the telephone number below at the Examiner's convenience if it would help in the prosecution of this matter.

Respectfully submitted,

TRELLIS INTELLECTUAL PROPERTY
LAW GROUP, PC

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